

# EXHIBIT ‘A’

APR 04 2019

LAW OFFICE OF  
R.E. (Felix ) COX  
1100 NW LOOP 410 STE 370  
SAN ANTONIO, TX 78213-9936

RE: STATE OF TEXAS CITATION

Dear. Mr. Cox,

I am enclosing the copy of the documents handed to me on MARCH 15, at my home in Santa Barbara. There was no signature required and no formal paperwork to fill out. It was handed to me as the person left front door.

Not sure if this is an old document due to the dates on it but Laura at Nationwide said I should get a copy to you. I literally left that same day for Seattle and couldn't get you a copy till now. I have been traveling quite a bit and will be leaving again in April.

Is there any reponse from your request for medical records? Still outraged at this.

Thank you for taking this on. I appreciate all your work.



Diane Hall

**CITATION**

THE STATE OF TEXAS

To:  
DIANE HALL  
1036 ARBOLADO RD  
SANTA BARBARA, CA 93103

Defendant, in the hereinafter styled and numbered cause:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. A copy of the petition accompanies this citation, in cause number **C-1-CV-19-001433**, styled **ZACHARY VASQUEZ v DIANE HALL**

Filed in **COUNTY COURT AT LAW #2**, Heman Marion Sweatt Travis County Courthouse, 1000 Guadalupe, Austin, Texas on **February 19, 2019**. Given under my hand and seal of Dana DeBeauvoir, County Clerk on **February 21, 2019**.

County Clerk, Travis County, Texas  
P.O. Box 149325, Austin, Texas 78714-9325

By Deputy

*J. Williams*  
J. WILLIAMS

Plaintiff Attorney  
GRANT HAMON CLIFTON  
1007 MOPAC CIRCLE, STE 102  
AUSTIN, TX 78746

----- OFFICER'S RETURN -----

Came to the hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at  
\_\_\_\_ o'clock \_\_\_\_ M. Executed at \_\_\_\_\_ within County of  
\_\_\_\_\_ at \_\_\_\_ o'clock \_\_\_\_ M on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by delivering to the within named

a true copy of this citation together with the accompanying copy of the petition having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

To certify which witness my hand officially.

\_\_\_\_\_  
of \_\_\_\_\_ County, Texas  
By Deputy \_\_\_\_\_

FEES PAID \$ \_\_\_\_\_

C-1-CV-19-001433  
01C - 000075619

Filed: 2/19/2019 12:00 AM  
Dana DeBeauvoir  
Travis County Clerk  
C-1-CV-19-001433  
Jazmonique Williams

CAUSE NO. C-1-CV-19-001433

**ZACHARY VASQUEZ**

**IN THE COUNTY COURT**

**VS.**

**COUNTY COURT AT LAW 2**

**DIANE HALL**

**TRAVIS COUNTY, TEXAS**

**PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **ZACHARY VASQUEZ**, Plaintiff, and file this, their Original Petition and Request for Disclosure, complaining of Defendant, **DIANE HALL**, and would show unto the Court as follows:

**A. PARTIES**

1. Plaintiff is an individual who resides in Travis County, Texas, and they may be contacted through her attorney, Grant H. Clifton, at 1007 MoPac Circle, Ste. 102, Austin, TX 78746.
2. Defendant, Diane Hall, is an individual who resides at 1036 Arbolado Rd., Santa Barbara, CA 93103, and may be served with process at that address.

**B. SELECTION OF DISCOVERY LEVEL**

4. This suit is governed by Discovery Control Plan 1 under Rule 190.3 of the Texas Rules of Civil Procedure.

**C. JURISDICTION & VENUE**

5. The Court has continuing jurisdiction over Defendant, because Defendant is a Texas resident. The Court has jurisdiction over the subject matter, because the damages are within the statutory jurisdictional limits of the Court.

6. Venue is proper in Travis County, Texas, because that is where the collision occurred.

**D. FACTS**

7. This lawsuit results from a collision that occurred on or about July 7, 2017 in Travis County, Texas. Plaintiff was stopped at the intersection of Braker Lane and the frontage road of MoPac, yielding to oncoming traffic and waiting to turn left when Defendant drove into the back of Plaintiff's vehicle. As a result of the impact, Plaintiff suffered bodily injuries and other damages complained of herein.

**E. NEGLIGENCE**

8. At the time of the collision, Defendant was operating her vehicle negligently. Specifically, she had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. The collision and the injuries of the Plaintiff were proximately caused by her negligent disregard of his duty to Plaintiff, including the following acts and omissions:

a. Defendant failed to keep a proper lookout for the Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;

- b. Defendant failed to apply his brake in a proper manner;
- c. Defendant failed to take proper evasive action that would have been taken by a person of ordinary prudence under the same or similar circumstances;
- d. Defendant failed to drive at a safe speed;
- e. Defendant failed to maintain control of her vehicle;
- f. Defendant failed to maintain an assured clear distance between his vehicle and Plaintiff's vehicle; and
- g. Defendant failed to drive attentively.

**F. DAMAGES**

9. As a proximate result of Defendant's negligence, Plaintiff suffered bodily injuries. Plaintiff suffered the following damages:

- a. Reasonable expenses for necessary medical care in the past;
- b. Loss of income in the past.
- c. Pain and suffering in the past and future;
- d. Physical impairment in the past and future; and
- e. Mental anguish in the past and future.

Considering each of these elements of damages, Plaintiff has been damaged in an amount within the jurisdictional limits of this Court. In accordance with Tex. R. Civ. P. 47, Plaintiff seeks monetary relief of more than \$100,000.00 but less than \$200,000.00.

**G. REQUEST FOR DISCLOSURE**

9. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant is requested to disclose, within 50 days of service of this request, the information or material described in Rule 194.2 (a-l).

**H. PRAYER**

10. WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendants be cited to appear and answer, and on final trial, that Plaintiff have judgment against Defendants for:

- a. Actual damages;
- b. Prejudgment and post judgment interest as allowed by law;
- c. Costs of suit; and
- d. Any further relief, either in law or equity, to which Plaintiff is justly entitled.

Respectfully submitted,  
**LAW OFFICE OF GRANT H. CLIFTON, PLLC**

/S/GRANT H. CLIFTON

Grant H. Clifton  
State Bar No. 24052176  
1007 MoPac Circle, Ste. 102  
Austin, Texas 78746  
(512) 686-3833 phone  
(512) 540-3037 fax  
grantclifton@gmail.com  
**ATTORNEY FOR PLAINTIFF**

**CITATION**

THE STATE OF TEXAS  
To:  
**DIANE HALL**  
**1036 ARBOLADO RD**  
**SANTA BARBARA, CA 93103**

**Defendant**, in the hereinafter styled and numbered cause:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. A copy of the petition accompanies this citation, in cause number **C-1-CV-19-001433**, styled **ZACHARY VASQUEZ v DIANE HALL**

Filed in **COUNTY COURT AT LAW #2**, Heman Marion Sweatt Travis County Courthouse, 1000 Guadalupe, Austin, Texas on **February 19, 2019**. Given under my hand and seal of Dana DeBeauvoir, County Clerk on **February 21, 2019**.

County Clerk, Travis County, Texas  
P.O. Box 149325, Austin, Texas 78714-9325

By Deputy:

**J WILLIAMS**

Plaintiff Attorney  
**GRANT HAMON CLIFTON**  
**1007 MOPAC CIRCLE, STE 102**  
**AUSTIN, TX 78746**

----- OFFICER'S RETURN -----

Came to the hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at  
\_\_\_\_ o'clock \_\_\_\_ M. Executed at \_\_\_\_\_ within County of  
\_\_\_\_\_ at \_\_\_\_ o'clock \_\_\_\_ M on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by delivering to the within named

-----  
a true copy of this citation together with the accompanying copy of the petition having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

To certify which witness my hand officially.

\_\_\_\_\_  
\_\_\_\_\_  
of \_\_\_\_\_ County, Texas  
By Deputy \_\_\_\_\_

FEES PAID \$ \_\_\_\_\_

Filed: 3/14/2019 1:09 PM  
Dana DeBeauvoir  
Travis County Clerk  
C-1-CV-19-001433  
Erica Sanchez

**CAUSE NO. C-1-CV-19-001433**

**ZACHARY VASQUEZ**

**VS.**

**DIANE HALL**

**IN THE COUNTY COURT**

**COUNTY COURT AT LAW 2**

**TRAVIS COUNTY, TEXAS**

**PLAINTIFF'S MOTION FOR ALTERNATIVE SERVICE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Plaintiff, in the above entitled and numbered cause, makes this Motion for Substituted Service of process on Defendant, **Diane Hall**, and in support thereof shows the following:

1. It is impractical to secure personal service of process in this cause upon the Defendant because the defendant is evading service. The process server has upon numerous occasions attempted to perfect service upon defendant as evidenced in the attached supporting affidavit, but on each said occasion said server has been unable to meet with the defendant. The process server has made contact with Defendant's husband and confirmed she lives there, and has even offered to accept service.
2. The attached affidavit hereto shows that defendant can be given notice of this suit if the process server delivers a copy of this Citation together with the accompanying pleading to Defendant's husband or any other person over 16 at the residence, or by attaching said documents to Defendant's front door.

WHEREFORE, Plaintiff requests that the court order service upon the defendant by attaching to her door or serving a person who is over the age of 16 a copy of the Citation together with the accompanying copy of the pleading to the defendant, and that a true copy of such order for substituted service be attached thereto and included with the Citation and pleading so served; and that Plaintiff have such other relief as to which it may be justly entitled.

Respectfully submitted,  
**LAW OFFICE OF GRANT H. CLIFTON, PLLC**

/s/ GRANT H. CLIFTON  
Grant H. Clifton  
State Bar No. 24052176  
1007 MoPac Circle, Ste. 102  
Austin, Texas 78746  
(512) 686-3833 phone  
(512) 540-3037 fax  
grantclifton@gmail.com  
**ATTORNEY FOR PLAINTIFF**

Attorney or Party without Attorney: GRANT HAMON CLIFTON 1007 MOPAC CIRCLE SUITE 102 AUSTIN, TX 78746		For Court Use Only			
Telephone No: 512.686.3833		Ref. No or File No.:			
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: District Court Of Travis County, Texas - 201 Judicial District					
Plaintiff: THE STATE OF TEXAS					
Defendant: DIANE HALL					
<b>AFFIDAVIT OF REASONABLE DILIGENCE</b>		Hearing Date:	Time:	Dept/Div:	Case Number:

1. I, RYAN CARTER, and any employee or independent contractors retained by UNITED PROCESS SERVERS, Inc. are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant DIANE HALL as follows:

2. *Documents:* CITATION; PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE.

Day	Date	Time	Location	Results
Thu	02/28/19	6:15pm	Home	No answer. No cars in driveway. Dog inside front door but lights off. Attempt made by: RYAN CARTER. Attempt at: 1036 ARBOLADO ROAD SANTA BARBARA, CA 93103.
Fri	03/01/19	8:40am	Home	Not in per husband who seemed cooperative and said his wife can be found at home most mornings before 9am. Attempt made by: RYAN CARTER. Attempt at: 1036 ARBOLADO ROAD SANTA BARBARA, CA 93103.
Sat	03/02/19	2:47pm	Home	No answer. No activity. Attempt made by: RYAN CARTER. Attempt at: 1036 ARBOLADO ROAD SANTA BARBARA, CA 93103.
Mon	03/04/19	8:50am	Home	No answer. No activity. Attempt made by: RYAN CARTER. Attempt at: 1036 ARBOLADO ROAD SANTA BARBARA, CA 93103.
Tue	03/05/19	7:10pm	Home	No answer. Dog barking inside. Attempt made by: RYAN CARTER. Attempt at: 1036 ARBOLADO ROAD SANTA BARBARA, CA 93103.
Wed	03/06/19	8:05am	Home	No answer. Dog barking inside. Attempt made by: RYAN CARTER. Attempt at: 1036 ARBOLADO ROAD SANTA BARBARA, CA 93103.

<i>Attorney or Party without Attorney:</i> GRANT HAMON CLIFTON 1007 MOPAC CIRCLE SUITE 102 AUSTIN, TX 78746		<i>For Court Use Only</i>			
Telephone No: 512.686.3833		Ref. No or File No.:			
Attorney for: Plaintiff					
<i>Insert name of Court, and Judicial District and Branch Court:</i> District Court Of Travis County, Texas - 201 Judicial District					
Plaintiff: THE STATE OF TEXAS					
Defendant: DIANE HALL					
<b>AFFIDAVIT OF REASONABLE DILIGENCE</b>		Hearing Date:	Time:	Dept/Div:	Case Number:

Day	Date	Time	Location	Results
Thu	03/07/19	8:28am	Home	Not in per husband who said she left earlier this morning and that he was willing to accept the documents on her behalf. Attempt made by: RYAN CARTER. Attempt at: 1036 ARBOLADO ROAD SANTA BARBARA, CA 93103.
Fri	03/08/19	5:33pm	Home	No answer. No activity. Attempt made by: RYAN CARTER. Attempt at: 1036 ARBOLADO ROAD SANTA BARBARA, CA 93103.
Sat	03/09/19	1:45pm	Home	No answer. No activity. Attempt made by: RYAN CARTER. Attempt at: 1036 ARBOLADO ROAD SANTA BARBARA, CA 93103.
Mon	03/11/19	7:50am	Home	No answer. No activity. Attempt made by: RYAN CARTER. Attempt at: 1036 ARBOLADO ROAD SANTA BARBARA, CA 93103.
Tue	03/12/19	6:07pm	Home	No answer. No activity. Attempt made by: RYAN CARTER. Attempt at: 1036 ARBOLADO ROAD SANTA BARBARA, CA 93103.

3. *Person Executing*

- RYAN CARTER
- UNITED PROCESS SERVERS, Inc.  
142 East Figueroa Street  
Santa Barbara, CA 93101
- 805 966-2102, FAX 805 966-4031

Recoverable Costs Per CCP 1033.5(a)(4)(B)

*d. The Fee for service was:*

*e. I am:* (3) registered California process server  
 (i) Independent Contractor  
 (ii) Registration No.: 241  
 (iii) County: Santa Barbara

4. *I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*  
 Date: Wed, Mar. 13, 2019

Page Number 2

**AFFIDAVIT OF REASONABLE DILIGENCE (RYAN CARTER)**

ghf.213584

**CAUSE NO. C-1-CV-19-001483 FILED FOR RECORD**

**ZACHARY VASQUEZ**

**VS.**

**DIANE HALL**

**2019 MAR 15 PM 8:08 CT**

**DANA DEBEAUVIOR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS**

**TRAVIS COUNTY, TEXAS**

**ORDER ON PLAINTIFF'S MOTION FOR ALTERNATIVE SERVICE**

On this day, the Motion of Plaintiff, came on to be heard for service of Citation other than by delivering a copy of Citation to Defendant. Having heard and considered the Motion, the Court is of the opinion that its grounds are true and correct, that it is impractical to deliver Citation to the Defendant in person, and that the manner of service therein Ordered will be reasonably effective to give the Defendant notice of this suit.

**IT IS, ACCORDINGLY, ORDERED** that service upon Defendant **DIANE HALL** be effected by delivering a copy of this Citation with a copy of the pleading attached to anyone over the age of sixteen (16) years at the Defendant's usual place of *abode*, 1036 Arbolado Rd., Santa Barbara, CA 93103, or by attaching a copy of this Citation and pleading with the Order for substituted service attached thereto to the front door of the Defendant's usual place of *abode* or by mailing a true copy of the Citation and pleading with Order to the Defendant by United States First Class Mail, without requiring a signed receipt for its actual delivery to: **1036 Arbolado Rd., Santa Barbara, CA 93103.**

SIGNED this 15 day of March, 2019.

  
JUDGE PRESIDING  
**ERIC M. SHEPPARD**

Filed: 4/5/2019 9:09 AM  
Dana DeBeauvoir  
Travis County Clerk  
C-1-CV-19-001433  
Samantha Balandran

CAUSE NO. C-1-CV-19-001433

ZACHARY VASQUEZ § IN THE COUNTY COURT  
§  
V. § AT LAW NUMBER 2  
§  
DIANE HALL § TRAVIS COUNTY, TEXAS

**DEFENDANT'S ORIGINAL ANSWER, REQUEST FOR DISCLOSURE, RULE 193.7  
NOTICE AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, DIANE HALL, Defendant in the above-entitled and numbered cause, and for answer to the Plaintiff's pleading on file herein, would respectfully show unto the Court as follows:

I.

Subject to such stipulations and admissions as may hereafter be made, this Defendant asserts a General Denial as is authorized by Rule 92 of the Texas Rules of Civil Procedure, and Defendant respectfully requests that the Plaintiff be required to prove the charges and allegations against this Defendant by a preponderance of the evidence as is required by the Constitution and the laws of the State of Texas.

**AFFIRMATIVE DEFENSE**

II.

By way of further affirmative defense, while continuing to deny liability as indicated above, Defendant contends that the damages and injuries, if any, that Plaintiff, ZACHARY VASQUEZ, is alleging is the result of a condition(s) existing before, and/or arising subsequent to the alleged occurrence in question and Plaintiff's damages, if any, are the result of a pre-existing

and/or subsequent condition, accident, or occurrence, and were not proximately caused by the alleged occurrence in question.

III.

Defendant further asserts that Plaintiff is barred from recovery by the doctrine of proportionate responsibility, or alternatively, that Plaintiff's damages should be reduced by a percentage equal to Plaintiff's percentage of responsibility pursuant to Tex. Civ. Prac. & Rem. Code Sections 33.001 and 33.012.

IV.

Pleading further, if same be necessary, this Defendant asserts that any recovery of medical expenses by Plaintiff be limited to those amounts that are both reasonable and necessary and actually paid or incurred by or on behalf of the Plaintiff as mandated by Section 41.0105 of the Texas Civil Practice and Remedies Code.

V.

Defendant denies that she is liable to Plaintiff for any damages and Defendant asserts, if any damages are awarded, that Texas Civil Practice & Remedies Code §41.007 limits pre-judgment interest, if any.

VI.

Defendant denies that she is liable to Plaintiff for any damages and Defendant asserts, if any damages are awarded, that Texas Finance Code §304.1045 disallows pre-judgment interest on future damages, if any.

VII.

Defendant denies that she is liable to Plaintiff for any damages and Defendant asserts that, if any damages are awarded, Texas Finance Code §304.104 and §304.105 governs the calculation

of prejudgment interest, if any, and §304.003(c) governs the calculation of post-judgment interest, if any.

VIII.

Without waiving any defenses listed above, Defendant would further show that she is entitled to all caps and limitations on damages pursuant to the Texas Civil Practices & Remedies Code.

IX.

Defendant would further show that she is entitled to all caps and limitations on damages pursuant to TEX.BUS.&COM.CODE §17.50.

**REQUEST FOR DISCLOSURE**

X.

Plaintiff is requested to disclose, within thirty (30) days of service of this request, the information or material described in Rule 194.2(a)-(l) of the Texas Rules of Civil Procedure.

**RULE 193.7 NOTICE**

XI.

Pursuant to Texas Rules of Civil Procedure 193.7, Defendant gives notice to Plaintiff that any and all documents and things produced by Plaintiff may be used at any pretrial proceeding and/or the trial of this case without the necessity of authenticating said documents and things.

XII.

Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Defendant hereby makes demand and application for jury trial.

WHEREFORE, PREMISES CONSIDERED, Defendant, DIANE HALL, prays that upon final hearing hereof, Defendant have judgment and that Plaintiff take nothing against Defendant

by way of this cause of action, and that Defendant go hence without day for costs, and for such other and further relief, both general and special, at law and in equity, to which this Defendant may show herself justly entitled.

Respectfully submitted,

LAW OFFICE OF R.E. (FELIX) COX  
1100 NORTHWEST LOOP 410, SUITE 370  
SAN ANTONIO, TX 78213-2200  
(210) 949-0166 MAIN  
(956) 238-0194 CELL  
(855) 949-1338 FACSIMILE



\_\_\_\_\_  
CHRISTIANA "CHRISSY" DIJKMAN  
State Bar No. 00783967  
[dijkmc@nationwide.com](mailto:dijkmc@nationwide.com)

ATTORNEY FOR DEFENDANT  
**DIANE HALL**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded to the following in accordance with the Texas Rules on the 5<sup>th</sup> day of April, 2019.

Grant H. Clifton  
LAW OFFICE OF GRANT H. CLIFTON, PLLC  
1007 MoPac Circle, Suite 102  
Austin, TX 78746  
512.686.3833  
512.540.3037 Facsimile  
[grantclifton@gmail.com](mailto:grantclifton@gmail.com)  
*Attorney for Plaintiff, Zachary Vasquez*



\_\_\_\_\_  
CHRISTIANA "CHRISSY" DIJKMAN